

§518.96

32 CFR Ch. V (7-1-03 Edition)

COLLECTION OF FEES AND FEE RATES FOR TECHNICAL DATA

§518.96 Fees for technical data.

(a) Technical data, other than technical data that discloses critical technology with military or space application, if required to be released under the FOIA, shall be released after the person requesting such technical data pays all reasonable costs attributed to search, duplication and review of the records to be released. Technical data, as used in this Section, means recorded information, regardless of the form or method of the recording of a scientific or technical nature (including computer software documentation). This term does not include computer software, or data incidental to contract administration, such as financial and/or management information. DoD Components shall retain the amounts received by such a release, and it shall be merged with and available for the same purpose and the same time period as the appropriation from which the costs were incurred in complying with request. All reasonable costs as used in this sense are the full costs to the Federal Government of rendering the service, or fair market value of the service, whichever is higher. Fair market value shall be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges shall be based on recovery of full costs to the Federal Government. The full cost shall include all direct and indirect costs to conduct the search and to duplicate the records responsive to the request. This cost is to be differentiated from the direct costs allowable under the Collection of Fees and Fee Rates portion of this subpart for other types of information released under the FOIA. DD Form 2086-1 (Record of Freedom of Information (FOI) Processing Cost for Technical Data) will be used to annotate fees for technical data. The form is available through normal publications channels.

(b) Waiver. Components shall waive the payment of costs required in §518.96(a), which are greater than the costs that would be required for release of this same information under the Col-

lection of Fees and Fee Rates portion of this subpart if:

(1) The request is made by a citizen of the United States or a United States corporation, and such citizen or corporation certifies that the technical data requested is required to enable it to submit an offer, or determine whether it is capable of submitting an offer to provide the product to which the technical data relates to the United States or a contractor with the United States. However, Components may require the citizen or corporation to pay a deposit in an amount equal to not more than the cost of complying with the request, which will be refunded upon submission of an offer by the citizen or corporation;

(2) The release of technical data is requested in order to comply with the terms of an international agreement; or,

(3) The Component determines in accordance with §518.80(a), that such a waiver is in the interest of the United States.

(c) Fee Rates.

(1) Search time. (i) Manual Search.

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	13.25
(Minimum Charge).	8.30

Professional and Executive (To be established at actual hourly rate prior to search. A minimum charge will be established at ½ hourly rates.)

(ii) Computer search is based on the total cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The wage (based upon the scale in §518.96(c)(1)(i), for the computer operator and/or programmer determining how to conduct, and subsequently executing the search will be recorded as part of the computer search.

(2) Duplication.

Type	Cost
Aerial photographs, specifications, permits, charts, blueprints, and other technical documents	\$2.50
Engineering data (microfilm):	
Aperture cards:	
Silver duplicate negative, per card75
When key punched and verified, per card85
Diazo duplicate negative, per card65
When key punched and verified, per card75
35mm roll film, per frame50

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Type	Cost
16mm roll film, per frame45
Paper daprnts (engineering drawings), each	1.50
Paper reprints of microfilm indices, each10

(3) Review time.

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	13.25
(Minimum Charge).	8.30

Professional and Executive (To be established at actual hourly rate prior to review. A minimum charge will be established at 1/21 hourly rates.)

(d) Other technical data records. Charges for additional services not specifically provided in §518.96(c), consistent with DoD Instruction 7230.7 (reference (r)), shall be made by Components at the following rates:

1. Minimum charge for office copy (up to six images) \$3.50
2. Each additional image10
3. Each typewritten page 3.50
4. Certification and validation with seal, each 5.20
5. Hand-drawn plots and sketches, each hour or fraction thereof 12.00

Subpart G—Reports

REPORTS CONTROL

§ 518.97 General.

The reporting requirement outlined in this subpart is assigned Report Control Symbol DD-PA(A) 1365. See appendix F for DD Form 2564, Annual Report Freedom of Information Act.

ANNUAL REPORT

§ 518.98 Reporting time.

Each DoD Component shall prepare statistics and accumulate paperwork for the preceding calendar year on those times prescribed for the annual report and submit them in duplicate to the ASD(PA) on or before each February 1. Existing DoD standards and registered data elements are to be used for all data requirements to the greatest extent possible in accordance with the provisions of DoD Directive 5000.11 (reference(s)) AR 25-9. The standard data elements are contained in DoD Di-

rective 5000.12-M (reference (99)). The Army will follow guidelines below and submit the information to the Army Freedom of Information and Privacy Act Division, Information Systems Command, Attn: ASQNS-OP-F, Room 1146, Hoffman Building I, Alexandria, VA 22331-0301 by the second week of each January.

(a) Each reporting activity will submit the information requested in §518.99, items (a)(1), (a)(2), (a)(5), (a)(6), (b)(3), (i), (j)(1), (j)(2) and (j)(2)(i). Data will be collected throughout the year on DD Form 2086.

(b) Each IDA will submit the information requested in §518.99, excluding items (d) through (h).

(c) The Judge Advocate General, Army, will submit the information requested in §518.99, item (9).

(d) The Army General Counsel will submit the information requested in §518.99, items (d) through (f).

(e) The Information Systems Command will compile the data submitted in the Department of the Army's annual Reporting of Freedom of Information Processing Costs (RCS DD-PA(A) 1365). This report will be coordinated through the DISC4 (SAIS-PDC), WASH DC 20310-0107, to the Director of Freedom of Information and Security Review by 31 January each year.

§ 518.99 Annual report content.

The following instructions shall be used in preparing the annual report for submission on DD Form 2564 (see appendix G to this part). DD Form 2564 may be ordered through publication channels or reproduced locally:

(a) Item 1.

(1) *Total requests.* Enter the total number of FOIA requests responded to during the calendar year.

(2) *Granted in full.* Enter the total number of FOIA requests responded to and granted in full during the calendar year. (This may include requests granted by your office, yet still requiring action by another office).

(3) *Denied in part.* Enter the total number of FOIA requests responded to and denied in part based on one or more of the nine FOIA exemptions. (Do not report denial of fee waivers).

(4) *Denied in full.* Enter the total number of FOIA requests responded to